



Paper No. 8

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OFFICE OF PETITIONS

In re Application of :
Joseph A.A.M. Tourne :
Application No. 10/051,418 : DECISION GRANTING
Filed: 30 October, 2001 : PETITION
Attorney Docket No. 2654-001 :

This is a decision on the request for reconsideration under 37 CFR 1.53 filed on 24 July, 2002, requesting that the "Notice to File Missing Parts of Nonprovisional Application" mailed 4 April, 2002, in the above-identified application be vacated to the extent that it states that Page 8 of the specification appeared to have been omitted from the application.

The application was filed on 30 October, 2001. However, on 4 April, 2002, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application" stating that the application had been accorded a filing date of 30 October, 2001, and advising applicants that, *inter alia*, Page 8 of the specification (description and claims) appeared to have been omitted from the application. The petition filed on 17 May, 2002, was dismissed on 18 July, 2002, because petitioner had not provided a copy of Page 8 of the specification as originally filed.

In response, on 24 July, 2002, the present request for reconsideration was filed. Petitioner again asserts that Page 8 was filed with the other application papers deposited on 30 October, 2001, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied on 17 May, 2002. The

postcard receipt shows an Office date stamp of 30 October, 2001, and bears the above-identified application number. The postcard identifies the application by the sole inventor's name and invention title, and acknowledges receipt of, *inter alia*, 11 pages of specification, claims, and abstract. Petitioners request that the application, including Page 8 of the specification, be accorded a filing date of 30 October, 2001. A copy of Page 8 of the specification was supplied with the present request for reconsideration filed on 24 July, 2002.

A review of the record reveals that no Page 8 of the specification has been located among the application papers deposited on 30 October, 2001. However, the evidence is convincing that the application papers deposited on 30 October, 2001, included Page 8 of the specification, which was consequently misplaced in the Office.

The application will be processed and examined using the application papers filed on 30 October, 2001, and the copy of Page 8 of the specification supplied on 24 July, 2002.

The \$130.00 petition fee filed on 17 May, 2002, will be credited to counsel's deposit account, No. 18-1579.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 30 October, 2001, using the application papers filed on that date and the copy of Page 8 of the specification supplied on 24 July, 2002.

Telephone inquiries should be directed to the undersigned at 793-813-6918.



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